

PATENT
Docket No. 112174-014.UTL
(formerly ENSEMB.031A)

REMARKS

Claims 1-22, 26-41 and 44-56 are pending in the Application and are presented for reconsideration and further examination in view of the following remarks.

REJECTIONS UNDER SECTION 103

In the Office Action claims 1-2, 26-28, 39-41 and 44-46 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Petrus (US Published Application 2003/0169722) in view of Uhlik (US Patent No. 6,760,599). Applicant respectfully traverses this ground of rejection.

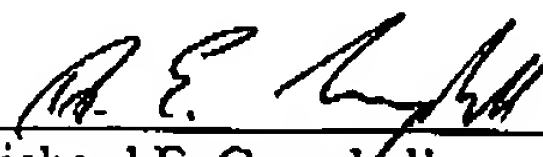
Petrus is not available as prior against the present application. The present application was filed on November 15, 2001 and claims of benefit of a provisional application filed on November 15, 2000. Petrus was filed on September 30, 2002. Additionally, Petrus claims priority as a continuation-in-part of an application filed on September 29, 2000. However, there has been no showing or demonstration that the parent application contains a disclosure relied upon in Petrus as the basis for the current rejections. In fact, Applicant notes that Figure 4 in Petrus which is relied upon in the rejection of the independent claims in the outstanding Office Action, is not present in the parent application. Therefore, no prima facie basis for the rejection under § 103 has been made.

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Applicant respectfully requests withdrawal of all the pending rejections in view of the foregoing.

Respectfully submitted,

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